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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/154,126	11/18/93	KAMIGUCHI	M 392,12900

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HEITBREXAMINER	
ART UNIT	PAPER NUMBER
1307	

DATE MAILED:

08/29/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Advisory Action

Application No.

08/154,126

Applicant(s)

Kamiguchi et al.

Examiner

Jill L. Heitbrink

Group Art Unit

1307



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 6 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Aug 16, 1996 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Aug 16, 1996 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
 - ☐ will not be entered because:
 - ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached written explanation.
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: 4-8
- Claims objected to: _____
- Claims rejected: 1-3 and 9-12
- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

JILL L. HEITBRINK
PRIMARY EXAMINER
ART UNIT 1307

Art Unit: 1307

1. Applicant's arguments filed August 16, 1996 have been fully considered but they are not deemed to be persuasive.

Applicant argues that Japanese Reference 60-104306 does not disclose adjusting at least one molding condition and performing injection pressure control based on the adjusted molding condition, and detecting and setting the condition. However, the adjusting of at least one molding condition and obtaining a profile for a good product would have been obvious in the Kokai since a person of ordinary skill in the art would have adjusted a molding condition if the obtained product was not good and then performed an injection molding operation. Repeating the operations until a good product was obtained and using the setting of the good product as the target settings in later injection molding operations. Additionally, applicant's disclosed prior art on page 3, lines 1-23 describes the adjusting of the waveform which is equivalent to adjusting at least one molding condition and performing injection pressure control based on the adjusted molding condition.

Applicant's claims 1-3 and 9 include the limitation of setting the injection pressure waveform again from the beginning if a conforming molded article is not obtained. The claims do not excluding resetting the waveform from the beginning.

Applicant argues that Fujita et al. does not disclose the changing of a shape of the waveform as recited in claim 10 and

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that Fujita et al. only changes a level of a display. However, the changing of the level would have been a changing of the shape. The graphing of an injection pressure waveform rather than pressure step profile in Fujita et al. would have been obvious in view of Hara since Hara teaches the improved product quality by using a waveform so as to avoid peaks in pressure during pressure control step changes. The step of storing a modified injection pressure waveform would have been well within the skill in the art as shown by applicant's disclosed prior art and by the set data memory device in Fujita et al.


Applicant states that the changing of the waveform into a straight line portion or a curved portion would involve hindsight. However, both Hara and Fujita et al. disclose the modifying of the waveform. It must be recognized that any judgement on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. *In re McLaughlin*, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971).

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Heitbrink whose telephone number is (703) 308-0673.


JILL L. HEITBRINK
PRIMARY EXAMINER
ART UNIT 137

JLH
August 26, 1996